



JOINT MANAGEMENT PLAN REVIEW

ISSUE BACKGROUND: Coastal Development: Dredge Disposal

Introduction

The Monterey Bay National Marine Sanctuary is currently revising the Sanctuary's Management Plan. Over the last year, the MBNMS has worked with the advisory council and the public to identify the priority issues to be addressed in this update. The issue of dredge disposal has been identified as one of the priority issues to be addressed in this review.

The periodic dredging of the local harbors is a necessary component of keeping the harbor channels clear and allowing access for all types of vessels. Though the Sanctuary does not directly regulate or restrict the act of dredging itself, i.e. the removal of sediment from the harbors and their channels-- that activity is exempt from MBNMS regulations--the MBNMS does have a regulatory role when considering proposals to discard dredge disposal sediments offshore within the National Marine Sanctuary. Dredging generally occurs with harbors which are outside of the Sanctuary boundaries.

This working group will review and discuss various issues related to dredge disposal that have arisen since designation of the Sanctuary, including: disposal volumes, grain size, locations of existing sites, sedimentation sources, pier reconstruction at Moss Landing, sediment transport, beach nourishment, research gaps, dredge disposal permit procedures, and disposal locations. With input from agencies, harbor masters and other stakeholders, this review will focus on the continued protection of Sanctuary resources, while also accommodating the disposal of harbor sediments when appropriate.

Harbors adjacent to the Sanctuary

There are four major harbors adjacent to the Monterey Bay National Marine Sanctuary (MBNMS). Three of these harbors regularly dredge the bottom of the harbor. Harbors dispose of their dredged material either in the ocean, on land at landfill sites, or at designated beach nourishment sites. When the MBNMS was designated in 1992, two existing offshore sites for dredge disposal were identified, and the establishment of new sites was prohibited within its boundaries. However, since that time, the MBNMS has recognized and authorized the use of two additional disposal sites at Santa Cruz and Monterey Harbors. These sites were in use and permitted by other agencies prior to designation.



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How does the MBNMS currently address Dredge Disposal?

The Sanctuary is mandated to approach resource protection from a broad, ecosystem based perspective. This requires consideration of a complex array of habitats, species, and interconnected processes and their relationship to human activities. This is best stated by language directly from the National Marine Sanctuary Act that states one of the overarching goals of the Sanctuary program. That goal is to “Maintain the natural biological communities in the national marine sanctuaries, and to protect, and where appropriate, restore and enhance natural habitats, populations and ecological processes”. In doing this we want to allow the continued operation of harbors, as we recognize that these are the gateways to accessing the Sanctuary.

The Sanctuary works with other state and federal agencies to ensure that Sanctuary resources are protected. The MBNMS coordinates with the California Coastal Commission, the US Army Corps of Engineers, Environmental Protection Agency, the Regional Water Quality Control Board, California Department of Fish and Game, National Marine Fisheries Service, and the US Fish and Wildlife Service to review and authorize dredge disposal, as well as other discharges within the MBNMS. The Sanctuary reviews the composition of the sediment, volumes, associated contaminant load, and grain size to determine if the dredge spoils are appropriate for disposal in the ocean and comply with the provisions of relevant laws such as the Clean Water Act and the National Marine Sanctuaries Act. Most agencies have a specific mandate in which they view the potential disposal impacts, such as Essential Fish Habitat, or effects as they pertain to the Endangered Species Act. The MBNMS examines the issue from a larger holistic view of ecosystem protection.

Section 922.132 of 15 CFR outlines prohibited or otherwise regulated activities as: (a) except as specified in paragraphs (b) through (f) of this section, the following activities are prohibited and thus are unlawful for any person to conduct or cause to be conducted: (e) dredged material deposited at disposal sites authorized by the U.S. Environmental Protection Agency (EPA) (in consultation with the U.S. Army Corps. Of Engineers (COE)) prior to the effective date of Sanctuary designation (January 1, 1993), provided that the activity is pursuant to, and complies with the terms and conditions of, a valid Federal permit or approval.

The MBNMS regulations exempt dredge disposal activities that comply with a federal permit or approval existing on January 1, 1993. Current dredge disposal permits and the associated needs do not fall into this category as the permits for disposal have since expired. Therefore, additional disposal at such previously approved or permitted sites must be approved by NOAA in accordance with the authorization process (§944.11).

A Sanctuary “authorization” must be obtained from local harbors when disposing of dredge spoils in the MBNMS (pursuant to MBNMS regulations at 15 CFR §§ 922.132(a)(2)(i), 922.132(f) and 922.49). The MBNMS works collectively



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with other agencies and “authorizes” other agency permits—generally the USACE or the CCC. This authorization comes in the form of either a “no objection” letter to the primary permitting agency (generally either the USACE or the CCC), a letter to another agency which recommends special conditions be added to that agency’s primary permit, or in the form of an “authorization” issued directly to the harbor, which includes special conditions to ensure that these sediments are not adversely affecting the marine ecosystem and Sanctuary resources.

These reviews minimize impacts to Sanctuary resources while allowing the continued operation of our critical local harbors. Sanctuary officials have allowed approximately 98% (by volume) of all dredge spoil proposed by local harbors for offshore disposal in the MBNMS since 1992.

Goal Statement:

The goal of this Workgroup is to devise a framework which continues the disposal of dredged material in the MBNMS while ensuring protection of Sanctuary resources.

Categories of Discussion

The MBNMS will continue its role in authorizing permits for dredge disposal. As a starting point for Workgroup discussions, a list of potential categories of topics to be addressed is included below:

1. Codifying existing sites:
Santa Cruz and Monterey harbors have disposal sites which have been recognized as historical usage after Sanctuary designation.
2. Inter-agency coordination:
The inter-agency coordination and review process for dredging is quite complicated. Identification of potential methods for increased efficiency and coordination in order to streamline reviews.
3. Multi-year authorizations:
The MBNMS has issued multi-year authorizations in the past. The authorization interval could be increased to provide efficiency for all parties.
4. Analyze the need for potential changes in volume:
Significant increases in the volume of dredge spoils has been occurring within the Sanctuary over the past 10 years. The Workgroup may wish to discuss what patterns are affecting this increased need for disposal in the National Marine Sanctuary.
5. Contamination:
Contamination is usually related to fine grain sediment, whereas material high in sand content is relatively free of contamination. The physical characteristics of the sediment play a role in the affinity of chemical



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- bonding. The Moss Landing Harbor 2002 results have yielded some of the most heavily contaminated spoils in recent years. What can be done to address historical contamination issues?
6. **Sources:**
Identify the upland sources of sediment and contamination and consider solutions to address preventative erosion issues.
 7. **Grain Size:**
When determining if material is suitable for disposal on local beaches the EPA relies on guidance which indicates that the dredged material should be composed of at least 80% sand. Consideration of the appropriateness of variation from this guideline should be weighed.
 8. **Beach Nourishment:**
Currently, there has been little if any, study to determine if the sites used for disposal of sediments on beaches are the optimal locations for beach nourishment projects.
 9. **Relocation Issue:**
The potential relocation of the Moss Landing disposal site (SF12) in order to reduce impacts to proposed reconstruction of Moss Landing Pier used by the Marine Laboratory.
 10. **Beneficial Usage:**
Recognition of potential beneficial uses for dredge disposal and distribution patterns.
 11. **Contamination:**
What is meant by “clean” sediment.
 12. **Disposal Site Offshore Pillar Point Harbor:**
Currently the Pillar Point Harbor does not have a designated dredge disposal site adjacent to the Harbor. The Workgroup may wish to discuss and analyze the need for new dredge disposal location.
 13. **Deposition and Sediment Transport:**
The final disposition of fine-grained material is unanswered. Is it being deposited on hard bottom, kelp, rocky intertidal? What are the subsequent impacts?
 14. **SF 12:**
The exact location of this existing disposal site is oftentimes unclear.

Timeline for drafting MBNMS framework action plan: January 2003 – April 2003.